

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Public Reprimand)	
)	
of the Educators Certificate of)	CONSENT ORDER OF PUBLIC REPRIMAND
)	
Joseph W. Mackey)	
)	
Certificate # 148437)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 10, 2003. On October 8, 2002, the State Department of Education (Department) sent a notice of the possible suspension or revocation of his South Carolina Educators Certificate (certificate) to Mr. Joseph W. Mackey by certified mail, restricted delivery, and return receipt requested. Mr. Mackey received this notice as evidenced by a signed postal receipt and initially requested a hearing. Subsequent to this request, Mr. Mackey, through his attorney, Dona L. Guffey, Esquire, proposed to resolve this matter without a hearing by agreeing to the following terms: (1) a public reprimand will be issued by the State Board, (2) he will submit to random drug testing at no expense to the Department or State Board, once a month from July 1, 2003 through June 30, 2004, with the results to be reported monthly to the Office of General Counsel of the Department, (3) this public reprimand will be reported to all school districts in South Carolina with the grounds listed as "unprofessional conduct," and (4) this order will be maintained as a public record in the Office of General Counsel of the Department. After considering the evidence presented, the State Board voted to issue a Consent Order of Public Reprimand on the terms set forth above.

Accepted:

Initial Here

Date:

Joseph W.
Mackey
#148437

Mr. Mackey holds a valid South Carolina certificate, and has over fifteen years of teaching experience. During the 2001-2002 school year, Mr. Mackey was a teacher and coach at Woodland High School in Dorchester County School District Four (District). He taught in the District from 1996-2002. He resigned effective August 16, 2002, following an investigation by the

District that he tested positive on a drug screen on May 22, 2002. The test was part of a random drug screen required of all persons holding a Commercial Driver's License (CDL). Mr. Mackey was required to hold a CDL because he was the head basketball coach and drove the team bus. On May 30, 2002, Mr. Mackey immediately and voluntarily entered a drug treatment program. Evidence provided to the State Board indicates Mr. Mackey is successfully addressing his prior drug abuse. Mr. Mackey taught in the Charleston County School District during the 2002-2003 school year and has been offered another contract for the 2003-2004 school year. He has agreed to accept this reprimand on the conditions outlined above.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. §59-25-150 (1990), S.C. Code Ann. §59-25-160 (1990); 24 S.C. Code Ann. Regs. 43-58. The Board finds that the preponderance of the evidence presented supports its conclusion that just cause does not exist to suspend or revoke Mr. Mackey's certificate; however, cause does exist for a Public Reprimand of Mr. Mackey's conduct. Accordingly, the Board issues this Consent Order of Public Reprimand as set forth above.

South Carolina State Board of Education

/S/ Greg Killian

Greg Killian
Chair

Columbia, South Carolina
June 10, 2003

I, Joseph W. Mackey, SC Teaching Certificate # 148437, do hereby agree to this Order of Public Reprimand, consisting of two pages, and understand that this Order will be presented as signed to the State Board of Education on Tuesday, June 10, 2003.

6/13/03
Date

/S/ Joseph W. Mackey, III
Signature